

REMARKS

This Amendment is filed in response to the Office Action dated May 12, 2003, which has a shortened statutory period set to expire August 12, 2003.

Allowable Subject Matter

The Examiner states that "Claims 2-3, 5, 12, 20-27, 30, 33-45, 47-81 are allowed." However, the Examiner also notes that Claim 48 is rejected, and Claims 49-62 are objected to. Because the Examiner only addresses the rejection of Claim 48 and the objections to Claim 49-62, Applicant assumes that the Examiner intended to state that Claims 2-3, 5, 12, 20-27, 30, 33-47, and 63-81 are allowed. Should this assumption be incorrect, Applicant respectfully requests clarification from the Examiner.

Rejections under 35 U.S.C. 102

Claim 48 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,285,131, issued February 8, 1994 to Muller et al. (hereinafter "Muller"). Applicant respectfully traverses this rejection.

Claim 48 recites "A device comprising one or more **programmable elements**, the one or more programmable elements being **selectively programmable** to create a **reflective filament pattern** for creating a selected optical pattern." (Emphasis added.)

The Examiner states that Muller "disclose[s] a device (Figure 2) comprising one or more programmable elements being selectively programmable to create a reflective filament pattern (Column 3, lines 38-45) for creating a selected optical pattern (Column 1, lines 65-68, column 1, lines 1-10)." Applicant respectfully submits that this is an erroneous characterization of Muller.

Fig. 2 of Muller (duplicated below for reference), shows an "incandescent filament 12 ... placed between an anisotropically etched silicon V-groove 20 in substrate 18 ... [where] the V-groove silicon walls 21 and 22 are partial reflectors for the filament radiation." (Muller, col. 3, lines 38-45.) The Examiner therefore seems to indicate that either incandescent filament 12 and/or V-groove silicon walls 21 and 22 correspond to the "one or more programmable elements" recited by Claim 1.

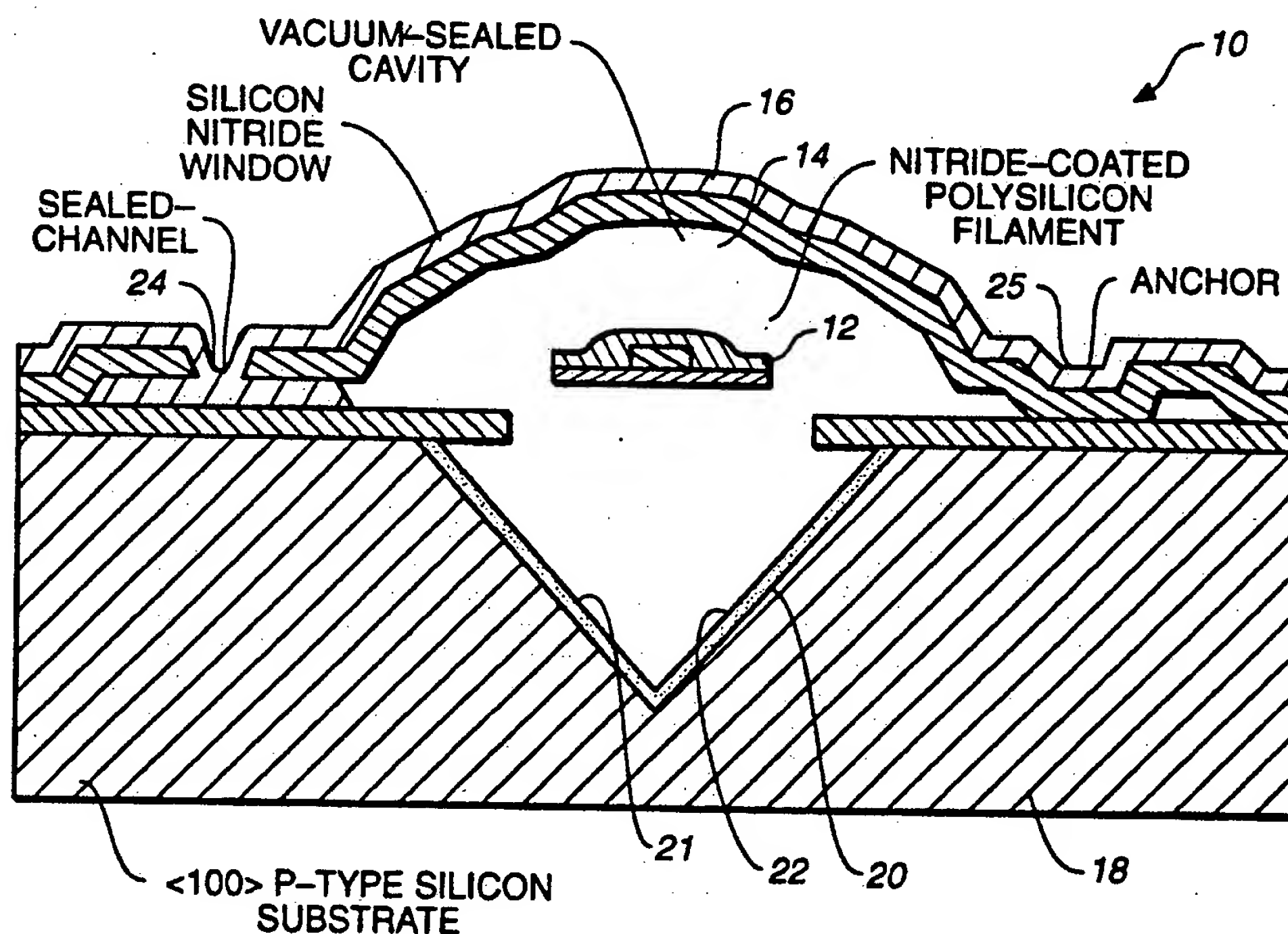


FIG. 2

However, the term "programmable", as defined by the Cambridge English Dictionary (<http://dictionary.cambridge.org>), means "able to be programmed". See Tab A, attached hereto. Therefore, a "programmable" element is an element that is "able to be programmed." Neither the incandescent filament 12 nor the

V-groove silicon walls 21 and 22 of Muller are "programmable". Muller neither teaches nor suggests that those elements can be modified in any way, and in fact teaches the prevention of changes to his structure.

Incandescent filament 12 and the V-groove silicon walls 21 and 22 of Muller form a microlamp - i.e., an "incandescent light [that] may include a heavily doped p+ polysilicon filament ... enclosed in a vacuum-sealed ... cavity." (Muller, col. 1, line 67 to col. 2, line 1.) The stated object of Muller is to "provide a microlamp in which oxidation and contamination problems are substantially eliminated" (Muller, col. 1, lines 45-47.) by forming incandescent filament 12 (in Fig. 2 of Muller) in a vacuum sealed cavity 14.

Thus, Muller expressly teaches a method for protecting incandescent filament 12 to extend filament life. In other words, Muller explicitly teaches the prevention of changes to filament 12. Therefore, incandescent filament 12 is not a "programmable element[]" as recited in Claim 1, either expressly or inherently. The V-groove silicon walls 21 and 22 of Muller are merely used as "partial reflectors of the filament radiation" (Muller, col. 3, lines 44-45), and are likewise not "programmable elements" as recited in Claim 1.

Thus, for at least the above-listed reasons, Claim 48 is allowable over Muller under 35 U.S.C. 102(b). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 48.

The Examiner has objected to Claims 49-62 as being dependent upon a rejected base claim, but has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant notes with appreciation the acknowledgement by the Examiner of allowable subject matter in

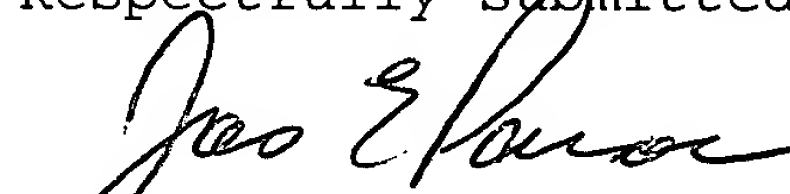
Claims 49-62. However, as Applicant believes that Claim 48, from which Claims 49-62 depend, is allowable for the above-described reasons, Claims 49-62 are not amended in the present paper.

CONCLUSION

Claims 2-3, 5, 12, 20-27, 30, and 33-81 are pending in the present Application. Claims 2-3, 5, 12, 20-27, 30, 33-47, and 63-81 are allowed. Reconsideration and allowance of Claims 48-62 is respectfully requested in light of the above amendments and remarks.

If there are any questions, please telephone the undersigned at (408) 451-5906 to expedite prosecution of this case.

Respectfully submitted,



Customer No.: 022888

James E. Parsons
Attorney for Applicant
Reg. No. 34691

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on July 28, 2003.

Date: _____

7/28/03

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